

**MINUTES**  
**SAN DIEGO COUNTY PLANNING COMMISSION**  
**Regular Meeting – June 19, 2009**  
**DPLU Hearing Room, 9:00 a.m.**

The meeting convened at 9:02 a.m. and adjourned at 9:40 a.m.

**A. ROLL CALL**

**Commissioners Present:** Brooks, Norby, Riess, Woods

**Commissioners Absent:** Beck, Day, Pallinger

**Advisors Present:** Mehnert (OCC); Sinsay (DPW)

**Staff Present:** Ehsan, Gibson, Goralka, Muto, Rowan, Schneider, Jones (recording secretary)

**B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of May 22 and June 5, 2009**

**Action:** Riess - Brooks

Approve the Minutes of May22 and June 5, 2009.

Ayes: 4 - Brooks, Norby, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 3 - Beck, Day, Pallinger

**C. Public Communication:** Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

There were none.

**D. Announcement of Handout Materials Related to Today's Agenda Items**

**E. Requests for Continuance:** Item 1

**F. Formation of Consent Calendar:** Item 1 (Continuance); Item 3 (TM 5478)

**Public Road Standards, Agenda Item 1:**

**1. Public Road Standards, Countywide (Continued from April 24, 2009)**

Proposed revisions to the San Diego County Public Road Standards. These Standards establish design and construction requirements for public roads located within the unincorporated area of San Diego County, and apply to County- and privately-initiated public road improvement projects. Improvements to public roads are often required as conditions of land development approval.

**Staff Presentation:** Goralka

**Proponents:** 0; **Opponents:** 0

Staff requests that the Planning Commission postpone consideration of these recommendations to allow an additional Planning Commission Subcommittee meeting.

**Action:** Riess – Norby

Continue consideration of the Public Road Standards revisions to the meeting of July 31, 2009.

Approve the Minutes of May22 and June 5, 2009.

Ayes:	4 -	Brooks, Norby, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	3 -	Beck, Day, Pallinger

GPA 09-001, POD 08-003, Farm Employee  
Housing and Farm Labor Camps, Agenda Item 2:

2. General Plan Amendment (GPA) 09-001 and Zoning Ordinance  
Amendment (POD) 08-003, Farm Employee Housing and Farm Labor  
Camps, Countywide

The proposed General Plan amendment will revise Regional Land Use Element 3.85 (new title: Farm Worker Housing & Farm Labor Camps) to ensure consistency with the State's Employee Housing Act. The Zoning Ordinance amendment consists of an update to the Ordinance that will help clarify regulations, improve readability, renew fee waiver provisions and address inconsistencies with the State's Employee Housing Act.

Staff Presentation: Schneider

Proponents: 0; Opponents: 0; Neutral: 1

Discussion:

An audience member voices concerns that Staff's proposed amendments do not comply with State law. She's supportive of the farm employee housing program, having written it when she was a DPLU employee, but believes Staff's recommendations override the rights of property owners. She recommends that Staff eliminate any references to "commercial agriculture" from the Ordinance, and include a separate section that addresses the rules of the Farm Employee Fee Waiver Program.

This audience member points out that State law applies to agriculture and does not differentiate between "agriculture" and "commercial agriculture". She insists that requiring an Administrative Permit for agricultural employee housing in agriculturally-zoned land does not comply with State law. She maintains that Staff's proposed amendments must be revised to ensure that the Ordinance complies with all State laws, including the State's Health and Safety Code and laws related to employee housing in residential zones serving six or fewer employees.

Staff's explains that the proposed recommendations merely require that property owners provide evidence of viable onsite agricultural operations, and that Farm employees prove that at least 50% of their income is derived from agriculture operations in order to qualify for farm employee housing.

**GPA 09-001, POD 08-003, Farm Employee  
Housing and Farm Labor Camps, Agenda Item 2:**

County Counsel acknowledges that there are a few ambiguities in the Employee Housing Act, but the Act makes clear that the onsite agricultural use(s) must be associated with economic enterprise(s). Counsel further explains that the required proof of such onsite agricultural enterprise is not subject to a specific income level and may include agricultural enterprises that operate at a loss. Staff believes the recommendations are consistent with State law and will ensure that viable agricultural operations benefit from having farm employees onsite.

Commissioner Norby is somewhat opposed to the inclusion of language stipulating that crops grown for personal use are not considered commercial agriculture and, therefore, not eligible for farm employee housing. Commissioner Riess believes this restriction is necessary to prevent abuse. Commissioner Norby also seeks and receives assurance that interested parties can appeal the Director's decisions on this issue.

**Action:** Riess - Brooks

Recommend that the Board of Supervisors:

1. Find that Sections 1 through 22 of the proposed Ordinance and General Plan amendment are not subject to California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15060(c)(1). The proposed amendments are consistent with the requirements and intent of the California Employee Housing Act and, therefore, do not or involve the exercise of powers by the County. Adopt the Notice of Exemption;
2. Find that the fee waiver amendments at Section 23 of the proposed Ordinance are exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that they may have a significant effect on the environment, and adopt the Notice of Exemption;
3. Adopt the Resolution approving General Plan Amendment 09-001, which makes the appropriate Findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and the County General Plan; and

**GPA 09-001, POD 08-003, Farm Employee  
Housing and Farm Labor Camps, Agenda Item 2:**

4. Adopt the Form of Ordinance amending the San Diego County Zoning Ordinance related to farm employee housing and farm labor camps.

Ayes: 4 - Brooks, Norby, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 3 - Beck, Day, Pallinger

**TM 5478, Agenda Item 3:****3. Rabbit Run, Tentative Map (TM) 5478, Valley Center Community Plan Area**

Proposed subdivision of 17.70 gross acres into seven lots ranging in size from 2.03 to 4.02 gross acres. The subject site is currently used for an active citrus orchard on level terrain. This is a lot sales project and housing pads will be graded by the purchasers of the individual lots. Grading for all seven housing pads is estimated at 8,200 cubic yards in a balanced grading operation. Improvements to Duffwood Lane would require the cut and fill of 1,800 cubic yards in a balanced grading operation. The project would receive water service from the Valley Center Municipal Water District and each lot would be served by an individual septic system. The project site is located at Duffwood Lane and Fruitvale 'Road.

**Staff Presentation:** Ehsan

**Proponents:** 0; **Opponents:** 0

This Item is approved on consent.

**Action:** Norby – Riess

Adopt the Resolution approving TM 5478, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law.

Ayes:	4 -	Brooks, Norby, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	3 -	Beck, Day, Pallinger

**Administrative:**

**G. Report on actions of Planning Commission's Subcommittees:**

No reports were provided.

**H. Results from the June 17, 2009 Board of Supervisors' Hearing:**

- Adoption of 2009-2014 Five-Year Implementation Plan for San Diego River Improvement Project
- Oliver Open Space Vacation VAC 09-001
- 2008 Multiple Species Conservation Program South County Subarea Plan Annual Habitat Tracking

None of the above Items were presented to or acted on by the Planning Commission.

**I. Upcoming Board of Supervisors Agenda Items and Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):**

None of the Planning Commissioners will be attending the June 23, 2009 Board of Supervisors meeting.

**J. Discussion of correspondence received by the Planning Commission:**

There was none.

**K. Scheduled Meetings:**

July 17, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 31, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 14, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 28, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 11, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room

**Administrative:**

September 25, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 9, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 23, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 13, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 4, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 18, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 9:40 a.m. to 9:00 a.m. on July 17, 2009 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.